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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,154	01/04/2006	Yong Cheol Park	46500-000329/US	8320

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EXAMINER	
PENDLETON, DIONNE	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
06/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,154	PARK, YONG CHEOL	
	Examiner	Art Unit	
	DIONNE H. PENDLETON	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-22* is/are pending in the application.

4a) Of the above claim(s) *3-8 and 10-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of **Figure 9A** (Species 5), described in **claims 1, 9 and 18-22** in the reply filed on 4/3/2009 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 9 and 18-22** are rejected under 35 U.S.C. 102(e) as being anticipated by **Hwang (US 2004/0246849 A1).**

Regarding claim 1,

Hwang teaches an overwrite method of an optical disc, comprising the step of performing a replacement recording on a data area within the optical disc with overwrite-requested data in a specific recording-completed area within the optical disc in a sequential recording mode **(see paragraph [0045], also see paragraph [0053] which discloses sequential recording of cluster units)** wherein if the overwrite in an open SRR area within the optical disc is requested, the replacement recording is

executed from next writable area within the open SRR **(paragraph [0050] discloses that TDMS contains space bit map data indicating whether clusters in a data area have been wholly recorded; while paragraph [0053] discloses that cluster units are sequentially recorded).**

Regarding claim 9,

Hwang teaches the overwrite method of claim 1, wherein after execution of the overwrite, location information of the overwrite-requested area and the replacement-recorded are is recorded as management information **(paragraph [0061] discloses writing data to disc, verification of data, creation of TDFI and storage of TDFI in TDMA-temporary defect management area)**.

Regarding claim 18,

Hwang teach an apparatus for overwriting data on an optical disc, comprising: a pickup unit **("10" in figure 5)** configured to write data on the optical disc; and a controller **("2" in figure5)** operatively coupled to the pickup **(see paragraph [0021]),** configured to control the pickup unit to perform a replacement recording on a data area within the optical disc with overwrite-requested data in a specific recording-completed area within the optical disc in a sequential recording mode **(see paragraph [0045], also see paragraph [0053] which discloses sequential recording of cluster units)** wherein if the overwrite in an open SRR area within the optical disc is requested, the replacement recording is executed from next writable area within the open SRR **(paragraph [0050] discloses that TDMS contains space bit map data indicating**

whether clusters in a data area have been wholly recorded; while paragraph [0053] discloses that cluster units are sequentially recorded).

Regarding claim 19,

Hwang teaches the apparatus of claim 18, wherein said controller configured to control the pickup unit to write location information of the overwrite-requested area and the replacement-recorded area is recorded as management information, after execution of the overwrite **(paragraph [0061] discloses creating TDFl and TDDS if a defect is detected, and recording TDFL and TDDS in the TDMA (temporary defect management area), all after the verification of data which is recorded in specified units).**

Regarding claims 20 and 21,

Hwang teaches that method of claim 9, and the apparatus of claim 10, wherein the location information is recorded in a temporary management area **(paragraph [0061] discloses the storage of TDFL and TDDS in the TDMA (temporary defect management area) once stored data reached a certain level).**

Regarding claim 22,

Hwang teaches an optical disc **("4" in figure 4 and 5),** comprising:

A data area **(paragraph [0042] discloses a data area on the disc)** configured to allocate an open SRR in a sequential recording mode **([0050] discloses SBM for indicating wholly recorded clusters i.e., open SRR, while paragraph [0053]**

discloses sequential recording of cluster units) wherein if the overwrite in an open SRR area within the optical disc is requested, the replacement recording is executed from next writable area within the open SRR **(paragraph [0050] discloses that TDMS contains space bit map data indicating whether clusters in a data area have been wholly recorded; while paragraph [0053] discloses that cluster units are sequentially recorded);** and wherein a temporary management area (**TDMA)** configured to store location information of an overwrite-requested area and a replacement-recorded area **(see [0009]-[0010] for discussion of TDFL and TDDS and location information; also see paragraph [0061] discloses creating TDFI and TDDS if a defect is detected, and recording TDFL and TDDS in the TDMA, all after the verification of data which is recorded in specified units).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627